

E-FILED 06-01-2011

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

KEVIN EMBRY, an individual, on behalf of
himself, the general public and those similarly
situated,

Plaintiff,

v.

ACER AMERICA CORPORATION; and DOES
1 THROUGH 50,

Defendant.

No. C09-01808 JW (HRL)

**ORDER DENYING DEFENDANT'S EX
PARTE MOTION FOR ADDITIONAL
DEPOSITION TIME**

[Re: Docket No. 156]

Defendant moves, on a purported ex parte basis, for an order allowing four additional hours to depose plaintiff's expert witness Kendyl Roman. Plaintiff opposes the motion. Defendant's motion, which was not properly brought as an ex parte matter under Civil Local Rule 7-10, is procedurally improper. Moreover, on the record presented, this court finds no good cause for allowing a further deposition of plaintiff's expert. The motion is denied.

SO ORDERED.

Dated: June 1, 2011



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

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